

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. 8:05CR426
vs.)
James L. Bennett,)
Defendant.) ORDER

This matter is before the court on defendant James Bennett's Amended Motion for Drug Addiction Evaluation and Treatment (#20). The motion is denied without hearing.

The proposed plan of release, absent electronic monitoring, was denied by Order (#19) on January 18, 2006 and the addition of electronic monitoring to the proposed plan fails to rebut the presumption of detention under 18 U.S.C. § 3142(e). This is especially true given the defendant's five (5) prior felony convictions.

IT IS ORDERED:

1. The defendant's Amended Motion for Drug Addiction Evaluation and Treatment (#20) is denied without hearing.

Dated this 27th day of January 2006.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge